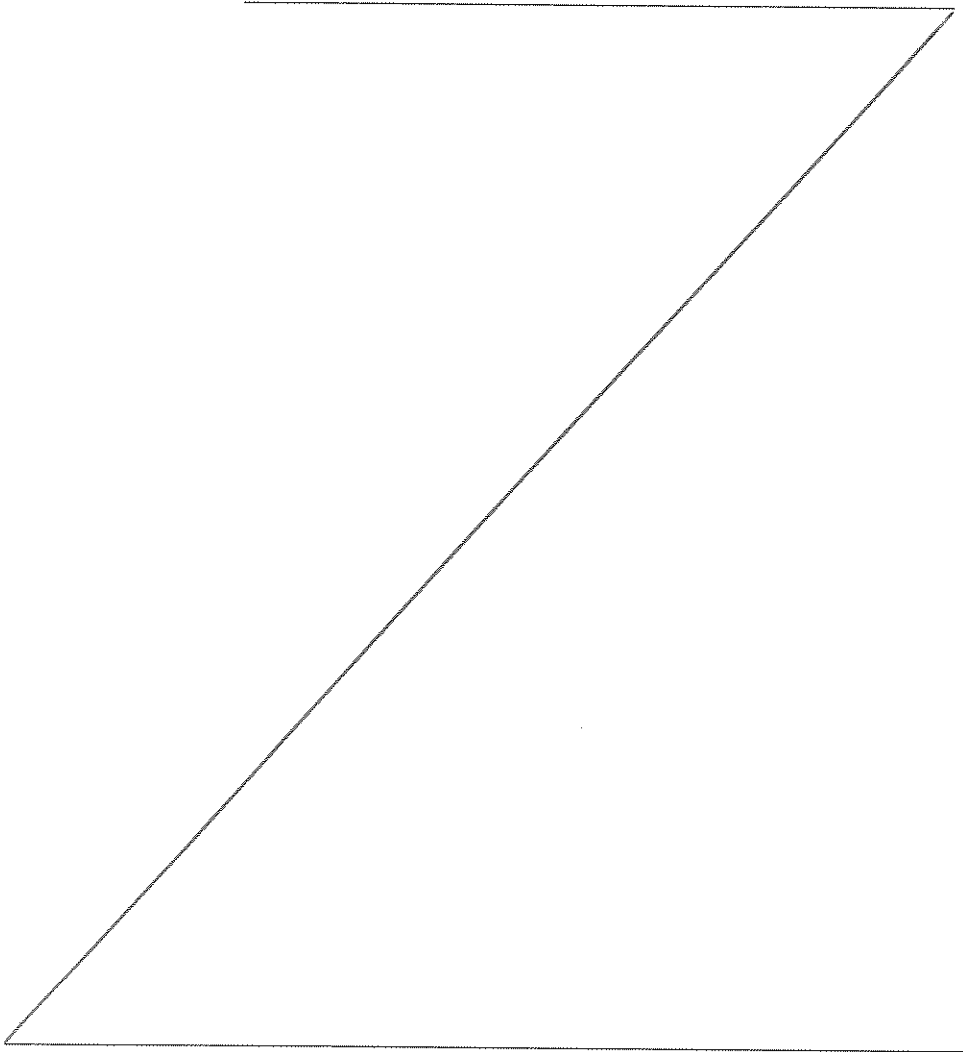


DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-65
Hawaii Administrative Rules

(Date)

1. Chapter 65 of Title 13, Hawaii
Administrative Rules, entitled, "Wailua Reservoir
Public Fishing Area, Kauai," is adopted to read
as follows: _____



"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART III FRESHWATER FISHERIES MANAGEMENT AREAS

CHAPTER 65

WAILUA RESERVOIR PUBLIC FISHING AREA, KAUAI

- \$13-65-1 Intent and Purpose
- \$13-65-2 Definitions
- \$13-65-3 Prohibited activities
- \$13-65-4 Permitted activities
- \$13-65-5 Daily bag limits
- \$13-65-6 Penalty
- \$13-65-6 Severability

\$13-65-1 Intent and purpose. For the purposes of this chapter, the Wailua Reservoir public fishing area, Kauai, shall be managed primarily for the enjoyment and pursuit of recreational fishing by Kauai's residents and visitors. The department reserves the right to temporarily adjust the fishing seasons, bag limits and minimum sizes or any other provision of this chapter in order to improve the fish stocks and a quality fishing experience. [Eff
] (Auth: HRS §188-53) (Imp: HRS §188-53)

\$13-65-2 Definitions. As used in this chapter unless otherwise provided:

"Fish, fish for, fishing" means to take, catch, capture, confine, or harvest, or to attempt to take, catch, capture, confine, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to take, capture, confine, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life may be taken, caught, captured, confined, or harvested, shall be construed as fishing.

"Freshwater game fishing license" means the license issued by the department pursuant to section 13-74-10.

"Daily bag limit" means the maximum number of fish allowed as specified by species, to be caught, taken, or kept per fisher per day.

"Bluegill" means any fish known as *Lepomis macrochirus* or any recognized synonym.

"Largemouth bass" means any fish known as *Micropterus salmoides* or any recognized synonym.

"Motorized vessel" means any boat, kayak, canoe, raft, or any other watercraft that is propelled by using engines or motors, that use fuel or battery.

"Smallmouth bass" means any fish known as *Micropterus dolomieu* or any recognized synonym.

"Tucunare" means any fish known as *Cichla ocellaris* or any recognized synonym.

"Wailua Reservoir public fishing area" means that body of water, 60 or so surface acres located within the Wailua district on Kauai, and is described in "Map of Wailua Reservoir Public Fishing Area, Kauai, 11/04/05," appended at the end of this chapter and incorporated by reference. [Eff] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-65-3 Prohibited activities. It is unlawful for any person to engage in the following activities within the Wailua reservoir public fishing area:

(1) Fish for, catch, take, possess or remove from the reservoir, any aquatic life, or possess more

- (3) Shall fish for, take, catch, possess, or remove a total aggregate daily bag limit of three fish, subject to section 13-65-5 and HRS section 188-50(d);
 - (4) Must allow the inspection of any bag or container of any kind to carry aquatic life, or any vehicle or any conveyance used to transport aquatic life;
 - (5) Use a dip net not more than two feet along the longest axis, excluding the handle, to land hooked fish; and
 - (6) Fish only during the day (no night fishing).
- [Eff _____] (Auth: HRS §188-53) (Imp: HRS §188-53)

S13-65-5 Daily bag limits. The total aggregate daily bag limit shall be three fish per fisher per day, provided that this total shall consist of:

- (1) No more than two bluegill, and each bluegill shall not be less than seven inches in total length;
- (2) No more than two smallmouth bass, and each bass shall not be less than nine inches in total length;
- (3) No more than two largemouth bass and each bass shall not be less than nine inches or more than fourteen inches in total length; and;
- (4) No more than two tucunare and each tucunare shall not be less than twelve inches or more than fifteen inches in total length. [Eff]
- (Auth: HRS §188-50) (Imp: HRS §188-50)

§13-65-6 Penalty Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor, be subject to administrative penalties, and be punished as provided by law. [Eff
] Auth: HRS §§188-53, 188-70, 187A-12.5)(Imp: HRS §§188-70, 187A-12.5)

§13-65-7 Severability If any provisions of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

[Eff _____] (Auth: HRS §§1-23, 188-53) (Imp: HRS §§1-23, 188-53)

2. The adoption of chapter 13-65, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

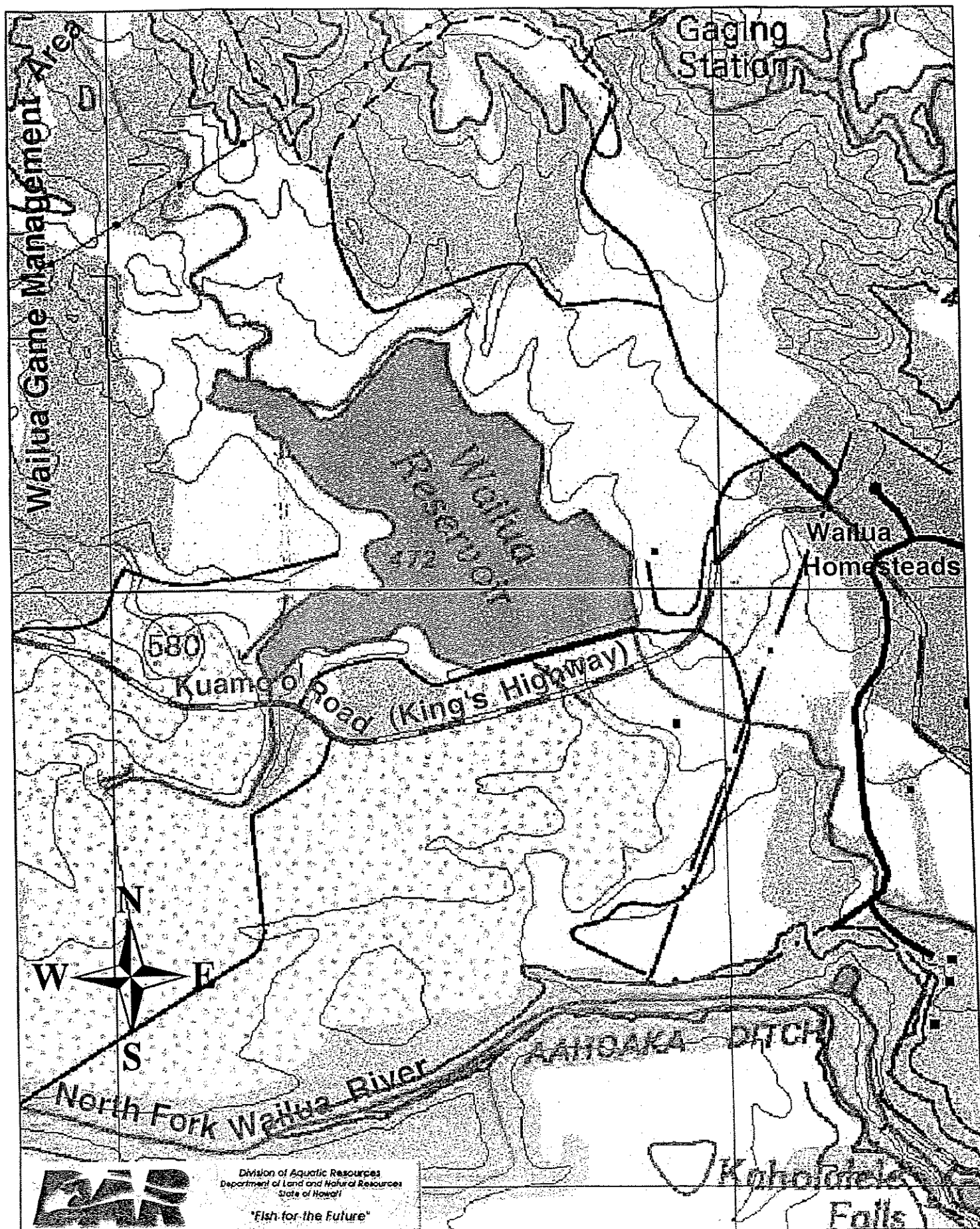
I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, after filed with the Office of the Lieutenant Governor.

PETER T. YOUNG, Chairperson
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:



PAMELA MATSUKAWA
Deputy Attorney General



Map of Wailua Reservoir Public Fishing Area, Kauai, 11/04/05.